

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - NE/S Schroeder Ave.,
862' SE of the c/l of Belair Rd. * DEPUTY ZONING COMMISSIONER
(4006 Schroeder Avenue)
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 95-287-XA
Filippo T. Amodio, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 4006 Schroeder Avenue, located in the Perry Hall area of northeastern Baltimore County. The Petitions were filed by the owners of the property, Filippo and Filippa Amodio. The Petitioners seek a special exception to permit a commercial riding stable on the subject property and a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a zoning use division line setback of 25 feet in lieu of the required 40 feet for an existing swimming pool in the rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were Filippo Amodio, property owner, Anthony J. Vitti, Professional Engineer who prepared the site plan, and John L. Calhoun, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is located on the northeast side of Schroeder Avenue near its intersection with Belair Road. The overall tract consists of 10.21 acres, more or less, split zoned D.R. 3.5 and D.R. 2 and is improved with a single family dwelling, in-ground swimming pool, and paved macadam driveway. In addition to the residential improvements on the property, there exists a wood and

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Date

By

MICROFILMED

metal stable, a wood and metal barn, a concrete stable, pigeon coop, and concrete block barn, all of which are located within the D.R. 2 zoned portion of the site. The Petitioners seek to utilize this portion of the property and the improvements thereon to operate a commercial horse riding stable. No new structures in connection with the proposed use are planned. Due to the close proximity of the in-ground swimming pool to the zoning use division line separating the proposed use from the residential uses on the property, the requested variance is necessary. Otherwise, the remaining improvements on the property meet all other setback requirements.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the

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By

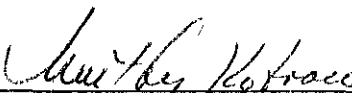
spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of March, 1995 that the Petition for Special Exception to permit a commercial riding stable on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zoning use division line setback of 25 feet in lieu of the required 40 feet for an existing in-ground swimming pool in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to that area behind the zoning use division line. The Petitioners are prohibited from expanding the commercial riding stable beyond said division line.
- 3) The Baltimore County Master Plan shows the extension of Gunview Road as traversing the subject property. The Petitioners are prohibited from erecting any future structures within the area of the proposed Gunview Road extension.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO

- 4 -
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 31, 1995

John L. Calhoun, Esquire
7800 York Road
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NE/S Schroeder Avenue, 862' SE of the c/l of Belair Road
(4006 Schroeder Avenue)
11th Election District - 5th Councilmanic District
Filippo T. Amodio, et ux - Petitioners
Case No. 95-287-XA

Dear Mr. Calhoun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Filippo Amodio
4006 Schroeder Avenue, Perry Hall, Md. 21128

Mr. Antohny J. Vitti
Vitti & Associates, Inc., 1717 York Road, Lutherville, Md. 21093

People's Counsel

File

RECORDED





Petition for Special Exception

95-287-XA

to the Zoning Commissioner of Baltimore County

for the property located at 4006 Schroeder Avenue

which is presently zoned D.R. 3.5 - D.R. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A commercial Riding Stable

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

John L. Calhoun, Esq.

(Type or Print Name)

Signature

7800 York Road 410-321-1818

Address Phone No

Towson, MD 21204
State Zipcode

Legal Owner(s)

Filippo T. Amodeo

(Type or Print Name)

Signature

Filippa Amodeo

(Type or Print Name)

4006 Schroeder Ave 410-256-5575

Address Phone No

Perry Hall, MD 21128

City State Zipcode

Name, Address and phone number of representative to be contacted

Anthony J. Vitti Vitti & Assoc., Inc.

Name

1717 York Rd. Lutherville, MD 21093 410-252-5212

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 2-11-95

2 P3

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

95-287-XA

for the property located at 4006 Schroeder Avenue

which is presently zoned D.R. 3.5 - D.R. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1; B.C.2.R.

TO ALLOW A 25' SETBACK IN LIEU OF THE REQUIRED 40' SETBACK

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DEVELOPED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

John L. Calhoun, Esq.

(Type or Print Name)

Signature

7800 York Road

410-321-1818

Address

Phone No

Towson, MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Filippo T. Amodeo

(Type or Print Name)

Signature

Filippa Amodeo

(Type or Print Name)

Signature

4006 Schroeder Ave. 410-256-5575

Address

Phone No

Perry Hall, MD

21128

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Anthony J. Vitti Vitti & Assoc., Inc.

Name

1717 York Rd. Lutherville, MD 21093 410-252-5212

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Jan

DATE

2-11-95

283

ORDER RECEIVED FOR FILING

Date



Printed with Soybean Ink
on Recycled Paper



Vitti & Associates, Inc.

Engineering & Surveying

1717 York Road, Suite 102 • Lutherville, Maryland 21093

(410) 252-5212

95-287-XA

ZONING DESCRIPTION #4006 SCHROEDER AVENUE 11th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the centerline of Schroeder Avenue at a distance of 862.62 feet from Belair Road, thence;

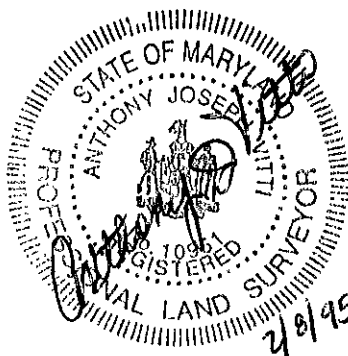
- 1) North 41 Degees West, 569.91 feet;
- 2) North 49 Degrees East, 780.45 feet;
- 3) South 41 Degrees East, 569.91 feet;
- 4) South 49 Degrees West, 780.45 feet, to the point of beginning.

Containing 10.21 Acres of land, more or less.

Being the same property as described in a deed dated October 18, 1976, and recorded among the Land Records of Baltimore County, Maryland in Liber 5687, Folio 945, by and between Marie S. Naylor, Lamar C. Naylor and Shirley Naylor, grantors and Filippo T. Amodeo and Filippa Amodeo, grantees.

The above description is to be used for Zoning Petitions only and is not the result of a Boundary Survey.

283



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-287-XA

District 11A

Date of Posting 2/26/95

Posted for: Special Exception & Variances

Petitioner: Flippo & Flippo Architects

Location of property: 4006 Schroeder Ave, NE/5

Location of Signs: Facing road way, on property being zoned

Remarks: Two change on sign

Posted by W. Flippo

Signature

Date of return: 3/3/95

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-287-XA
(Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue,
862' +/- SE of c/ Belair
Road
11th Election District
5th Councilmanic
Legal Owner(s):
Filippo T. Amodéo and
Filippa Amodéo
Hearing: Wednesday,
March 15, 1995 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Special Exception for a
commercial riding stable.
Variance to allow a 25-foot
setback in lieu of the required
40-foot setback.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For Information concern-
ing the File and/or Hearing, Please
Call 887-3391.
2/288 February 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

2/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 2/23, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. TOWSON

283



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-287-XA

Account: R-001-6150

Number

106

Date

2-11-95

FILIPPO AMTDCO

4006 SCHARP.2
Nov.

SP. EX (050)

300.00

VAR (010)

50.00

PSTNWL (030)

70.00

\$420.00

MICROFILMED

03A03#0092NICHRC
RA 0010#30AM02-10-95

\$420.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 283

Petitioner: ~~FIL~~ FILIPPO AMODEO

Location: 4006 SCHROEDER AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANTHONY VITTI

ADDRESS: 1717 YORK RD. LUTHERVILLE, MD 21093

PHONE NUMBER: 410-252-5212

AJ:qgs

WICAMM

(Revised 04/09/93)

TO: PUTIXENT PUBLISHING COMPANY
2/23/95 Issue - Jeffersonian

Please forward billing to:

Anthony Vitti
1717 York Road
Lutherville, MD 21093
410-252-5212

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862' +/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Flippo T. Amodio and Flippa Amodio
HEARING: WEDNESDAY, MARCH 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862'+/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Flippo T. Amodio and Filippa Amodio
HEARING: WEDNESDAY, MARCH 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Filippo and Filippa Amodio
Anthony J. Vitti
John L. Calhoun, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 27, 1995

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862'+/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Flippo T. Amodeo and Flippa Amodeo

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

HEARING: WEDNESDAY, MARCH 15, 1995 at 3:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Filippo and Filippa Amodeo
Anthony J. Vitti
John L. Calhoun, Esq.

AJ:ggs

STANDARD



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 9, 1995

John L. Calhoun, Esquire
7800 York Road
Towson, Maryland 21204

RE: Item No.: 283
Case No.: 95-287-XA
Petitioner: Filippo Amodeo

Dear Mr. Calhoun:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 4006 Schroeder Avenue

INFORMATION:

Item Number: 283

Petitioner: Amodeo Property

Property Size: 10.21 acres

Zoning: DR-2 & 3.5

Requested Action: Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to approve the use of the property as a Commercial Riding Stable, and a Variance to allow a 25' setback in lieu of the required 40' setback.

Based upon the information provided the staff offers the following comment:

Gunview Road from Klausmier Road to Belair Road is identified in the 1989 Baltimore County Master Plan as a programmed transportation project. The FY 1995 Capital Improvement Program has \$400,000 programmed in FY 2000 for engineering. The proposed alignment for this future transportation project must be reserved/dedicated as part of the Special Exception approval. Jeff Dryer of the Department of Public Works can provide the exact location of the right-of-way. He can be reached a 887-3797.

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Kerns

PK/JL
c. Jeff Dryer, Public Works

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 27, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 27, 1995
Item 283

The Developers Engineering Section has reviewed the subject zoning item. Please show the proposed alignment of Gunview Road's 70-foot right-of-way through your site to establish the building setback dimensions.

Also, show the ultimate right-of-way for Schroeder Avenue.

RWB:sw

2/28/95

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FILIPPO T. AMODEO & FILIPPA AMODEO

LOCATION: NE/S SCHROEDER AVE., 862' (+/-) SE OF CENTERLINE BELAIR RD.
(4006 SCHROEDER AVE.)

Item No. 283

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

RECEIVED
FEB 21 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +283 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
4006 Schroeder Avenue, NE/S Schroeder Ave,*		ZONING COMMISSIONER
862'+/- SE of c/l Belair Road, 11th		
Election District, 5th Councilmanic	*	OF BALTIMORE COUNTY
Filippo T. and Filippa Amodeo	*	CASE NO. 95-287-XA
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to John L. Calhoun, Esquire, 7800 York Road, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

MICROFILMED

805-95

Law Offices of
John L. Calhoun

7800 YORK ROAD
SUITE 135
TOWSON, MARYLAND 21204
(410) 321-1818
FAX: (410) 321-1889

2/24/95
8
TO FS
D/C

JOHN L. CALHOUN*
*ADMITTED MD, D.C., PA. & FLA.

KATY B. SHIELDS
PARALEGAL

LEO F. PARTRIDGE
TAX COUNSEL

JOHN H. CALHOUN (1920 - 1983)
FRANK S. SOLOMON (1918 - 1993)

February 23, 1995

Arnold Jablon, Director
Office of Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case # 95-287-XA (Item 283)
Hearing 3/15/95 10:00 a.m.

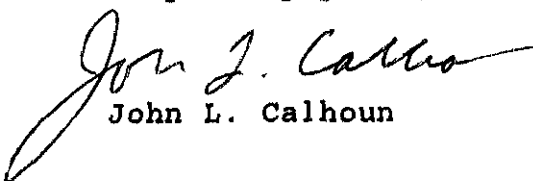
Dear Mr. Jablon:

Undersigned is counsel for the owners in the above-referenced. On the date scheduled I have a conflict in that I have two criminal cases previously scheduled downtown.

Would it be possible to change the hearing date to any of the following dates: 3/21, 3/29, 3/30, 4/19, 4/20 or 4/26?

Thank you.

Very truly yours,


John L. Calhoun

JLC:ks

Note: Due to conflict in Hearing Officer's schedule, the time of this hearing has been changed to 3 p.m. prior to receipt of this request. Per conversations between Mr. Calhoun's office & myself, the 3/15 3 p.m. hearing will stand.

RECEIVED
FEB 24 1995

ZADM
RECEIVED FEB 27 1995

E 45,000

Perry Hall Baptist church/school

95-287-XA

DR-2

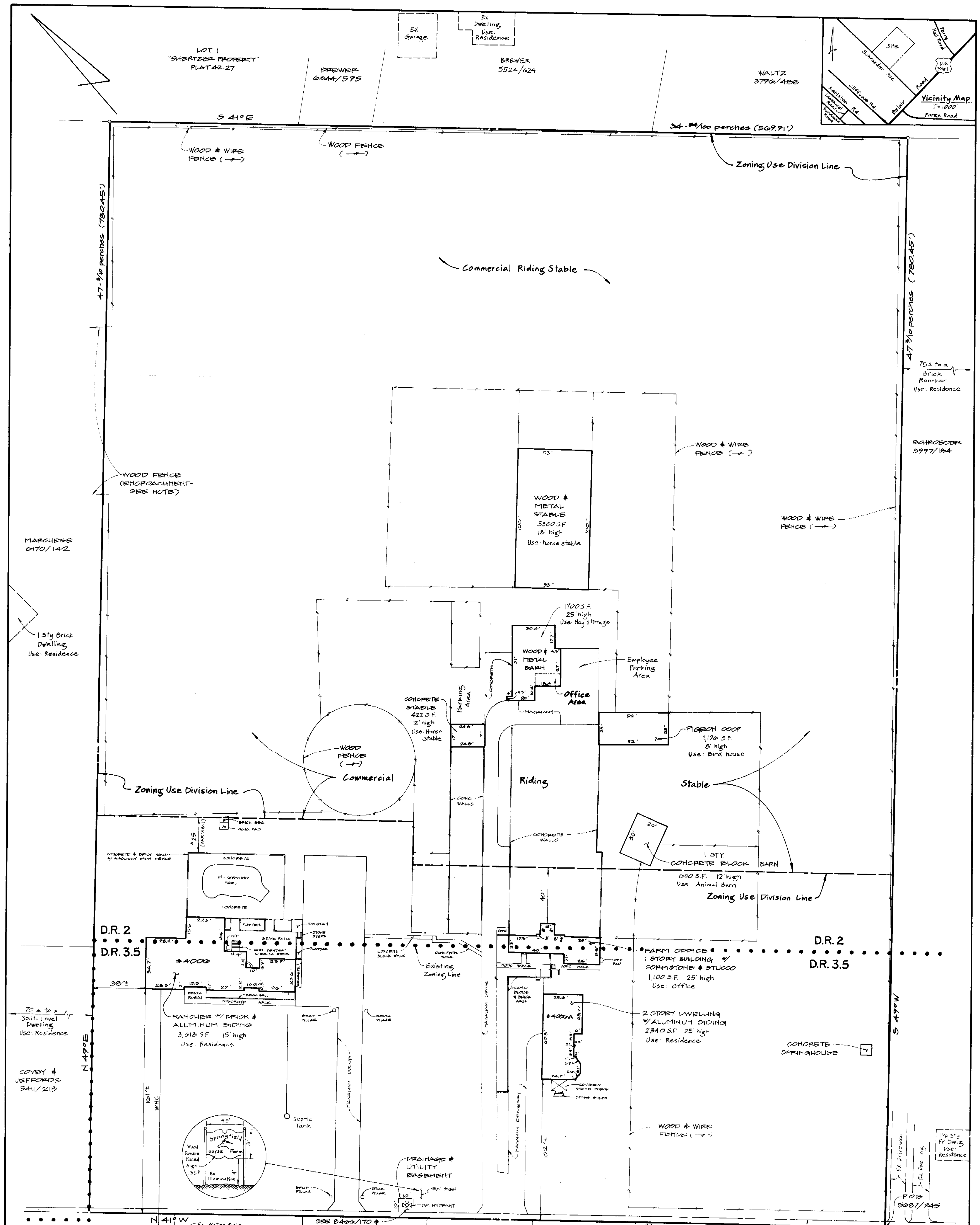
Amodeo
Deed Ref: 5687/945
10.21 Ac±

~~D.R.~~

D.R.16

ॐ नमः

Dr. 16



ENCROACHMENT NOTE
WOOD FENCES APPEAR TO ENCROACH ONTO MARCHESI PROPERTY.

Requested Relief:

1. Petition for a Special Exception under the Zoning Regulations of Baltimore County (BCZR Sect. 1B02.1), to use the property in the DR-2 zone for a commercial riding stable.
2. Petition for a Variance from Sect. 1B02.3C.1 (BCZR) to allow a rearward setback of 25' in lieu of the required 40'.

PETITIONER'S EXHIBIT 1

MICROFILMED
PLAN TO ACCOMPANY PETITIONS FOR VARIANCE & SPECIAL EXCEPTION
PROPERTY OF FILIPPO & FILIPPA AMODEO
#4006 SCHROEDER AVENUE
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.
DEED REFERENCE: 5007/945
SCALE: 1" = 30'
JANUARY 18, 1995

95-287-XA

Vitti & Associates, Inc.
Engineering & Surveying
1717 York Road Ste. 102 Lutherville, Md. 21093
(410) 252-5212

Note: The information on this plat shows only that the improvements indicated hereon are contained within the outlines of the lot upon which they were erected, unless otherwise noted, and is not to be used to establish property lines or corners. For title purposes only. No title report furnished. Subject to all easements and rights of way of record. Not to be used for the construction of fences or other improvements.

I hereby certify that I have examined the current Flood Insurance Rate Map (FIRM Map) #240010-0290B dated MARCH 2, 1991 for the subject property and it does not lie in an area identified by the Secretary of Housing and Urban Development as having Special Flood or mudslide hazards.

283

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - NE/S Schroeder Ave.,
862' SE of the c/l of Belair Rd. * DEPUTY ZONING COMMISSIONER
(4006 Schroeder Avenue) * OF BALTIMORE COUNTY
11th Election District * Case No. 95-287-XA
5th Councilmanic District
Filippo T. Amodeo, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 4006 Schroeder Avenue, located in the Perry Hall area of northeastern Baltimore County. The Petitions were filed by the owners of the property, Filippo and Filippa Amodeo. The Petitioners seek a special exception to permit a commercial riding stable on the subject property and a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a zoning use division line setback of 25 feet in lieu of the required 40 feet for an existing swimming pool in the rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petitions were Filippo Amodeo, property owner, Anthony J. Vitli, Professional Engineer who prepared the site plan, and John L. Calhoun, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is located on the northeast side of Schroeder Avenue near its intersection with Belair Road. The overall tract consists of 10.21 acres, more or less, split zoned D.R. 3.5 and D.R. 2 and is improved with a single family dwelling, in-ground swimming pool, and paved macadam driveway. In addition to the residential improvements on the property, there exists a wood and

metal stable, a wood and metal barn, a concrete stable, pigeon coop, and concrete block barn, all of which are located within the D.R. 2 zoned portion of the site. The Petitioners seek to utilize this portion of the property and the improvements thereon to operate a commercial horse riding stable. No new structures in connection with the proposed use are planned. Due to the close proximity of the in-ground swimming pool to the zoning use division line separating the proposed use from the residential uses on the property, the requested variance is necessary. Otherwise, the remaining improvements on the property meet all other setback requirements.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

- 2 -

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the

- 3 -

spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of March, 1995 that the Petition for Special Exception to permit a commercial riding stable on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a zoning use division line setback of 25 feet in lieu of the required 40 feet for an existing in-ground swimming pool in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception relief granted herein is limited to that area behind the zoning use division line. The Petitioners are prohibited from expanding the commercial riding stable beyond said division line.
- 3) The Baltimore County Master Plan shows the extension of Gunvier Road as traversing the subject property. The Petitioners are prohibited from erecting any future structures within the area of the proposed Gunvier Road extension.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
- 4 - Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 31, 1995

(410) 887-4386

John L. Calhoun, Esquire
7800 York Road
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
NE/S Schroeder Avenue, 862' SE of the c/l of Belair Road
(4006 Schroeder Avenue)
11th Election District - 5th Councilmanic District
Filippo T. Amodeo, et ux - Petitioners
Case No. 95-287-XA

Dear Mr. Calhoun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Filippo Amodeo
4006 Schroeder Avenue, Perry Hall, Md. 21128

Mr. Anthony J. Vitli
Vitli & Associates, Inc., 1717 York Road, Lutherville, Md. 21093

People's Counsel

File



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 4006 Schroeder Avenue
which is presently zoned DR 3.5 - DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Commercial Riding Stable

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner
John L. Calhoun, Esq.
(Type or Print Name)
Signature
Address
City State Zipcode

With an solemnity declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s)
Filippo T. Amodeo
(Type or Print Name)
Signature
Filippa Amodeo
(Type or Print Name)
Signature
Filippa Piz Amodeo
(Type or Print Name)
Signature
4006 Schroeder Ave 410-256-5575
Address
Perry Hall, MD 21128
City State Zipcode
Name, Address and phone number of representative to be contacted
Anthony J. Vitli Vitli & Assoc., Inc.
1717 York Rd. Lutherville, MD 21093 410-252-5212
Address
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Responsible for Hearing
Next Two Months
ALL OTHER
RECEIVED BY: *John L. Calhoun* DATE: 2-11-95

2 P3



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 4006 Schroeder Avenue
which is presently zoned DR 3.5 - DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1B02.3.C.1; B.C.Z.R.

TO ALLOW A 25' SETBACK IN LIEU OF THE REQUIRED 40' SETBACK

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
TO BE DEVELOPED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner
John L. Calhoun, Esq.
(Type or Print Name)
Signature
7800 York Road 410-321-1818
Address
Towson, MD 21204
City State Zipcode

With an solemnity declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s)
Filippo T. Amodeo
(Type or Print Name)
Signature
Filippa Amodeo
(Type or Print Name)
Signature
Filippa Piz Amodeo
(Type or Print Name)
Signature
4006 Schroeder Ave. 410-256-5575
Address
Perry Hall, MD 21128
City State Zipcode
Name, Address and phone number of representative to be contacted
Anthony J. Vitli Vitli & Assoc., Inc.
1717 York Rd. Lutherville, MD 21093 410-252-5212
Address
City State Zipcode
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Responsible for Hearing
Next Two Months
ALL OTHER
RECEIVED BY: *John L. Calhoun* DATE: 2-11-95

2 P3

Vitli & Associates, Inc.
Engineering & Surveying
1717 York Road, Suite 102 - Lutherville, Maryland 21093
(410) 252-5212

95-287-XA

ZONING DESCRIPTION
#4006 SCHROEDER AVENUE
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

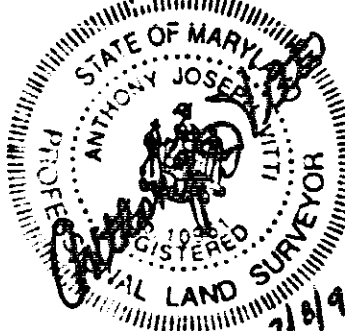
Beginning for the same at a point in the centerline of Schroeder Avenue at a distance of 862.62 feet from Belair Road, thence;

- 1) North 41 Degrees West, 569.91 feet;
- 2) North 49 Degrees East, 780.45 feet;
- 3) South 41 Degrees East, 569.91 feet;
- 4) South 49 Degrees West, 780.45 feet, to the point of beginning.

Containing 10.21 Acres of land, more or less.

Being the same property as described in a deed dated October 18, 1976, and recorded among the Land Records of Baltimore County, Maryland in Liber 5687, Folio 945, by and between Marie S. Naylor, Lamar C. Naylor and Shirley Naylor, grantors and Filippo T. Amodeo and Filippa Amodeo, grantees.

The above description is to be used for Zoning Petitions only and is not the result of a Boundary Survey.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11A Date of Posting: 2/24/95
Posted for: Special Exception & Variance
Petitioner: Filippo T. Amodeo
Location of property: 4006 Schroeder Ave., NEA
Location of Sign: Posting on way, on property, by sign
Remarks: Two changes sign
Posted by: M. J. J. J. Date of return: 3/5/95
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862' +/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Filippo T. Amodeo and Filippa Amodeo
Hearing: Wednesday, March 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are held on Wednesdays. For special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
(3) For information concerning the file and/or hearing, please call 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/23, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/23, 1995

THE JEFFERSONIAN,

A. Henricson
LEGAL ADVERTISER



Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 9-01-4150

Number: 1500

Date: 2-11-95
Receipt
95-287-XA
Filippo Amodeo
4006 Schroeder Ave.
NEA (c/o) 300.00
VAE (c/o) 50.00
Resort (c/o) 70.00
\$420.00

0340300092MCHRC \$420.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. J.
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 283
Petitioner: Filippo Amodeo
Location: 4006 SCHROEDER AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANTHONY VITI
ADDRESS: 1717 YORK RD. LUTHERVILLE, MD 21093

PHONE NUMBER: 410-252-5212

AJ:ggg

(Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY
2/23/95 Issue - Jeffersonian

Please forward billing to:

Anthony Viti
1717 York Road
Lutherville, MD 21093
410-252-5212

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862' +/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Filippo T. Amodeo and Filippa Amodeo
HEARING: WEDNESDAY, MARCH 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 4006 Schroeder Avenue

INFORMATION:

Item Number: 283
Petitioner: Amodeo Property
Property Size: 10.21 acres
Zoning: DR-2 & 3.5
Requested Action: Special Exception and Variance
Hearing Date: 3/15/95

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to approve the use of the property as a Commercial Riding Stable, and a Variance to allow a 25' setback in lieu of the required 40' setback.

Based upon the information provided the staff offers the following comment:

Quivier Road from Klausner Road to Belair Road is identified in the 1989 Baltimore County Master Plan as a programmed transportation project. The FY 1995 Capital Improvement Program has \$400,000 programmed in FY 2000 for engineering. The proposed alignment for this future transportation project must be reserved/dedicated as part of the Special Exception approval. Jeff Dryer of the Department of Public Works can provide the exact location of the right-of-way. He can be reached at 887-3797.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kerner

PK/JL
C. Jeff Dryer, Public Works

ITEM 283/PROB/PLN

Pg. 1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Legal Owner(s): Filippo T. Amodeo and Filippa Amodeo
HEARING: WEDNESDAY, MARCH 15, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

Arnold Jablon
Director

cc: Filippo and Filippa Amodeo
Anthony J. Viti
John L. Calhoun, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 27, 1995

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 95-287-XA (Item 283)
4006 Schroeder Avenue
NE/S Schroeder Avenue, 862' +/- SE of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): Filippo T. Amodeo and Filippa Amodeo

Special Exception for a commercial riding stable.
Variance to allow a 25-foot setback in lieu of the required 40-foot setback.

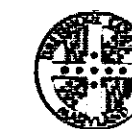
HEARING: WEDNESDAY, MARCH 15, 1995 at 3:00 P.M. in Room 118, Old Courthouse.

ARNOLD JABLON
DIRECTOR

cc: Filippo and Filippa Amodeo
Anthony J. Viti
John L. Calhoun, Esq.

AJ:ggg

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 9, 1995

John L. Calhoun, Esquire
7800 York Road
Towson, Maryland 21204

RE: Item No.: 283
Case No.: 95-287-XA
Petitioner: Filippo Amodeo

Dear Mr. Calhoun:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Office of Zoning Administration
and Development Management

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
March 1, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #283 - Amodeo Property
4006 Schroeder Avenue
Zoning Advisory Committee Meeting of February 21, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:DL:sp

AMODEO/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: Feb. 27, 1995

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 27, 1995
Item 283

The Developers Engineering Section has reviewed the subject zoning item. Please show the proposed alignment of Conview Road's 70-foot right-of-way through your site to establish the building setback dimensions.

Also, show the ultimate right-of-way for Schroeder Avenue.

RWB:cw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PH: 870-1115

RE: Property Owner: FILIPPO T. AMODEO & FILIPPA AMODEO

LOCATION: NE/S SCHROEDER AVE., PART 143 SE OF CENTERLINE BRIDGE RD.
(4006 SCHROEDER AVE.)

Item No. 283
Zoning Agenda: SPECIAL EXCEPTION

Sentiment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

RECEIVED
FEB 21 1995
ZADM

REVIEWER: LT. ROBERT P. SHERMANN
Fire Marshal Office, PHONE 887-4631, MS-1102F

CC: PLS



Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 283 (JLM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE *
4006 Schroeder Avenue, NE/S Schroeder Ave., *
962' +/- SE of c/l Belair Road, 11th *
Election District, 5th Councilmanic *
Filippo T. and Filippa Amodeo *
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-287-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *23rd* day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to John L. Calhoun, Esquire, 7800 York Road, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Law Office of
John L. Calhoun

7800 YORK ROAD
SUITE 135
TOWSON, MARYLAND 21204
(410) 321-1818
FAX: (410) 321-1889

JOHN L. CALHOUN
*ADMITTED MD, D.C., PA & FLA.
KATY B. SHIELDS
PARALEGAL

LEO F. PARTIDGE
TAX COUNSEL
JOHN H. CALHOUN (1920 - 1983)
FRANK S. SOLOMON (1918 - 1983)

February 23, 1995

Arnold Jablon, Director
Office of Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case # 95-287-XA (Item 283)
Hearing 3/15/95 10:00 a.m.

Dear Mr. Jablon:

Undersigned is counsel for the owners in the above-referenced. On the date scheduled I have a conflict in that I have two criminal cases previously scheduled downtown.

Would it be possible to change the hearing date to any of the following dates: 3/21, 3/29, 3/30, 4/19, 4/20 or 4/26?

Thank you.

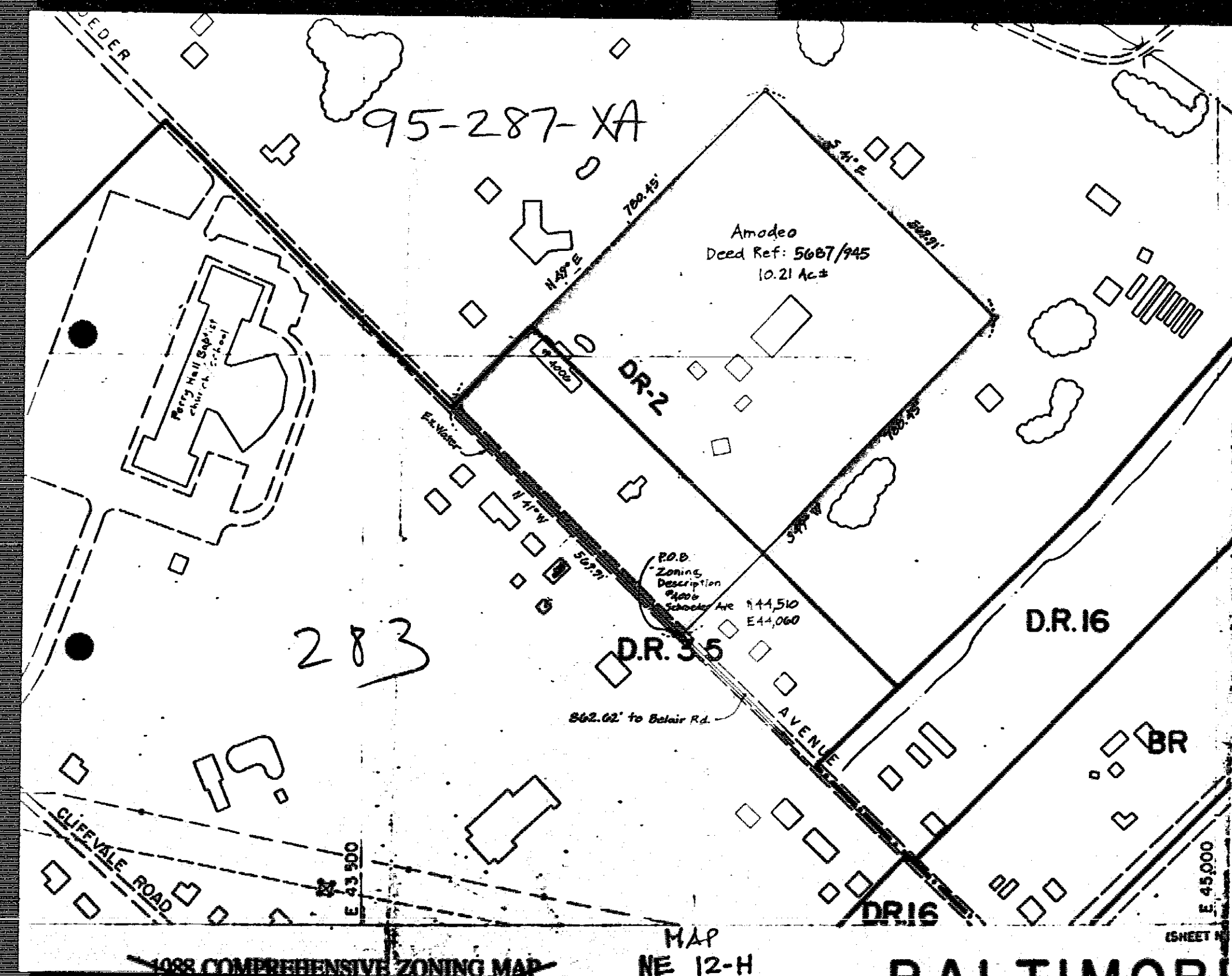
Very truly yours,

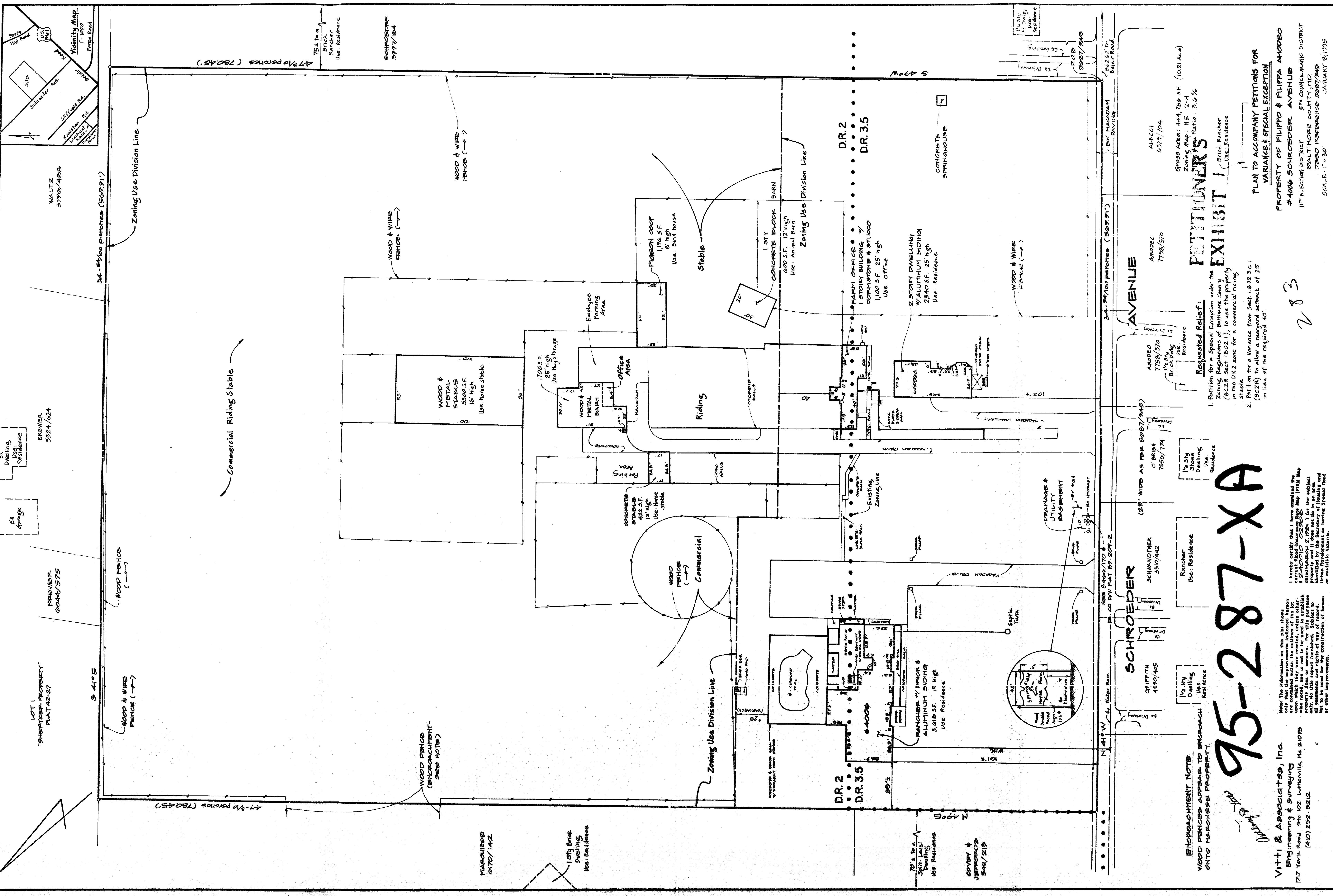
John L. Calhoun
John L. Calhoun

JLC:ks

RECEIVED
FEB 24 1995
ZADM
RECEIVED FEB 27 1995

*Note: Due to conflict in
Hearing Officers
Schedule, the time of
this hearing had been
changed to 3pm prior
to receipt of this Request.
Per conversations between Mr.
Calhoun's office & myself, the 3pm
hearing will stand.*





95-287-XA

EXHIBIT 1

REQUESTED RELIEF:

1. Petition for a Special Exception under the Zoning Regulations of Baltimore County (BCZR Sect 1802.1), to use the property in the DR.2 zone for a commercial riding stable.

2. Petition for a Variance from Sect. 1802.3.C.1 (BCZR) to allow a rearward setback of 25' in lieu of the required 40'.

PLAN TO ACCOMPANY PETITIONS FOR VARIANCE & SPECIAL EXCEPTION

PROPERTY OF FILIPPO & FILIPPA AMODEO
#4006 SCHROEDER AVENUE
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD
CREATED REFERENCE 5007/845
JANUARY 18, 1995
SCALE: 1" = 30'

NOTES: The information on this plan sheet only that the improvements indicated hereon are contained within the outlines of the lot shown. Improvements shown outside the lot lines are not shown, unless otherwise noted, and are not to be construed as property lines or corners. For title purposes the site report is furnished. Subject to all easements, rights, and interests shown hereon and to be used for the construction of fences or other improvements.

ENCROACHMENT NOTE: WOOD FENCES APPEAR TO ENCROACH ONTO MARCHESB PROPERTY.

VI-TTI & Associates, Inc.
Engineering & Surveying
1717 York Road Ste. 102 Luthermills, Md. 21093
(410) 252-8212

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